

Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: Z2006029 Cortessa Well Site

Meeting Date: May 4, 2006

Agenda Item: 13

Supervisor District: 4

Applicant/ Owner: Stardust Development, Inc.

Request: Special Use Permit for a water treatment plant in the R1-6 RUPD zoning district with 24 hour emergency vesting.

Proposed Use: Arsenic treatment facility including water tank storage, distribution, and equipment

Site Location: Northwest corner of Olive Ave. and Cortessa Pkwy. (in the northwest Glendale area)

Site Size: Approx. 0.076 ac.

County Island Status: Class II (City of Glendale)

Summary of Conformance with Adopted Plans:

County Plan: The request is within the Cortessa DMP. The existing well site is "by-right". The arsenic treatment component requires a SUP. Therefore, the use is in concert with the DMP.

City/Town Plan: The Glendale General Plan designates the site as Low Density Residential (0-2.5 d.u./ac. The existing well site is "by-right". The arsenic treatment component requires a SUP. Therefore, the use is in concert with the General Plan.

Support/Opposition: None known

Recommendation: **Approve** with stipulations

Description of Proposal:

1. This is a request for a twenty-five (25) year Special Use Permit (SUP) to allow a water treatment plant for removal of arsenic in the R1-6 RUPD zoning district. The approx. 0.36 ac. Cortessa Well site is currently under construction and after completion will be owned and operated by Arizona-American Water Company (A-AWC). The facility will be used for water distribution and approx. 0.076 ac. of the well site will be set aside for the arsenic treatment component. As a water distribution facility, the site does not require a SUP; however, the water treatment aspect of the subject request requires a SUP.
2. The arsenic treatment facility is required due to a heightened federal requirement from the Environmental Protection Agency (EPA) which now requires a lower threshold of arsenic levels in all public water systems. All suppliers of water to the public have to meet this requirement by January 23, 2006. Although the compliance date has already passed, Cortessa Well site is still required to meet the requirements for arsenic treatment. The existing well site is still under construction, therefore the SUP for the arsenic treatment component will occur with a few months lag time. Additionally, the calculations for compliance with arsenic treatment standards are calculated as an average within four quarters during the year and from the inception of operation.
3. The well site currently under construction comprises of one (1) well with the associated discharge piping, an electric power transformer, a gas chlorination system, a gas CO₂ Injection system, electrical starting panels and radio controls. The arsenic treatment component will add two (2) cylindrical steel tanks approx. 9' in diameter and 12' high, miscellaneous piping and valves associated with and connecting the two tanks, a 20' x 20' concrete equalization basin with perimeter safety railing. The existing water storage reservoirs and the pump station will remain separate from the arsenic treatment facility.
4. The SUP area will cover approx. 0.076 of the entire 0.36 ac. site and an 8-foot high block wall will screen the entire site from adjacent residential properties. The treatment equipment will be located on the eastern boundary of the site. Primary access to the site will be from Cortessa Pkwy. through a 10'x8' rolling gate and also through a second 20'x8' gate. The Cortessa well site was anticipated within the original design of the subdivision; therefore, traffic generated by the proposed well site has already been included in the original traffic report that was approved by all agencies. The narrative report indicates that the projected traffic generated by the well site is minimal and primarily consists of daily inspections and maintenance by Arizona-American Water Company staff and its contractors. Additionally, the arsenic treatment facility operates with the daily functioning of the well and is not expected to increase the projected traffic. The driveway into the site will be paved and is designed to

provide adequate space for maintenance vehicles to park, turn around and maneuver.

5. The Cortessa well site is currently under construction and completion is projected for May 25, 2006. The arsenic treatment component will be constructed once the entitlement has been approved.

Background

6. **June 20, 2001:** The BOS approved DMP 99-06, the White Tank Mountain Ranch Development Master Plan (DMP) (now known as Cortessa), and designated it as a Protected Rights Development Plan. Approval of DMP 99-06 was subject to stipulations 'a' – 'cc', which have not been included here due to brevity, but have been included as an addendum to this report.
7. **March 6, 2002:** The BOS approved Z2001151, the Plan of Development for White Tank Mountain Ranch (now known as Cortessa) - a rezone from Rural-43 to Rural-43 PAD, R1-6 RUPD PAD, R1-8 RUPD PAD, and C-2 PD PAD - subject to stipulations 'a' – 's', which have not been included here due to brevity, but have been included as an addendum to this report.
8. **October 3, 2002:** The Commission approved S2002042, the Preliminary Plat for White Tank Mountain Ranch (now known as Cortessa) - subject to stipulations 'a' – 'o', which have not been included here due to brevity, but have been included as an addendum to this report.
9. **April 21, 2004:** The BOS approved DMP2003009, a request for a Major Amendment to DMP 99-06, subject to stipulations 'a' – 'v', which have not been included here due to brevity, but have been included as an addendum to this report.
10. **April 21, 2004:** The BOS approved Z2003087, a request for an amendment to Z2001151 (Plan of Development for White Tank Mountain Ranch (now known as Cortessa) - a rezone from Rural-43 to Rural-43 PAD, R1-6 RUPD PAD, R1-8 RUPD PAD, and C-2 PD PAD) to include changes to the development standards of the RUPD Overlay Zoning District, and to increase the acreage of C-2 PD zoning district subject to stipulations 's' – 's', which have not been included here due to brevity, but have been included as an addendum to this report.
11. **March 18, 2004:** The Planning and Zoning Commission approved S2003062, a request for a preliminary plat in the R1-6 RUPD PAD, R1-8 RUPD PAD, C-2 PD PAD and Rural-43 PAD zoning districts, subject to stipulations 'a' – 'h', which

have not been included here for brevity, but are included as an addendum to this report.

12. **February 17, 2005:** The BOS approved S2004036, a request for a final plat for Cortessa in the R1-6 RUPD PAD, R1-8 RUPD PAD, C-2 PD PAD and Rural-43 PAD zoning districts.

Analysis of Conformance with Adopted Plans:

13. **Maricopa County “Eye to the Future 2020” Comprehensive Plan:** The Comprehensive Plan defers to Development Master Plans (DMP). The Cortessa DMP approved under DMP 2003009 is the governing land use plan for the site.
14. **Cortessa Development Master Plan (DMP):** Cortessa’s DMP consists of a decentralized open space system that may have the psychological impression of less open space, but actually results in a slightly increased acreage of open space. The proposed site is approved as water distribution facility as part of Cortessa’s DMP and the water treatment component is a necessity to comply with EPA standards, therefore the proposed SUP is arguably in concert with Cortessa’s DMP.
15. **White Tank/Grand Avenue Area Plan (County Area Plan):** The County Area Plan designates the site for Small-Lot Residential development (2-5 d.u./ac.). At an overall density of 2.8 d.u./ac., the Cortessa DMP is in concert with this plan. The White Tank/ Grand Avenue Area plan calls for a community sewer and water system for development at such a density, therefore the Cortessa well site is in concert with the Area Plan and the water treatment component is a requirement, therefore the SUP request is in concert with White Tank/Grand Avenue Area Plan.
16. **City of Glendale General Plan - Glendale The Next Step 2025:** The City’s plan was adopted by City Council on May 28, 2002, ratified by voters on November 5, 2002 and became effective December 1, 2002. The General Plan designates the site for Low Density Residential (0-1 d.u./ac.). At an overall density of 2.8 d.u./ac., the request is not in concert with the City’s plan. The City of Glendale has forwarded a letter indicating that the proposed request is a support facility to the residential development and although the plan does not list the use as part of the land-use category, it is an integral part of serving the low-density residential development. Therefore, the City has no objections to the proposed request.

Existing On-Site and Adjacent Zoning:

- | | | |
|-----|----------|-----------|
| 17. | On-site: | R1-6 RUPD |
| | North: | R1-6 RUPD |
| | East: | R1-6 RUPD |
| | South: | R1-6 RUPD |
| | West: | R1-6 RUPD |

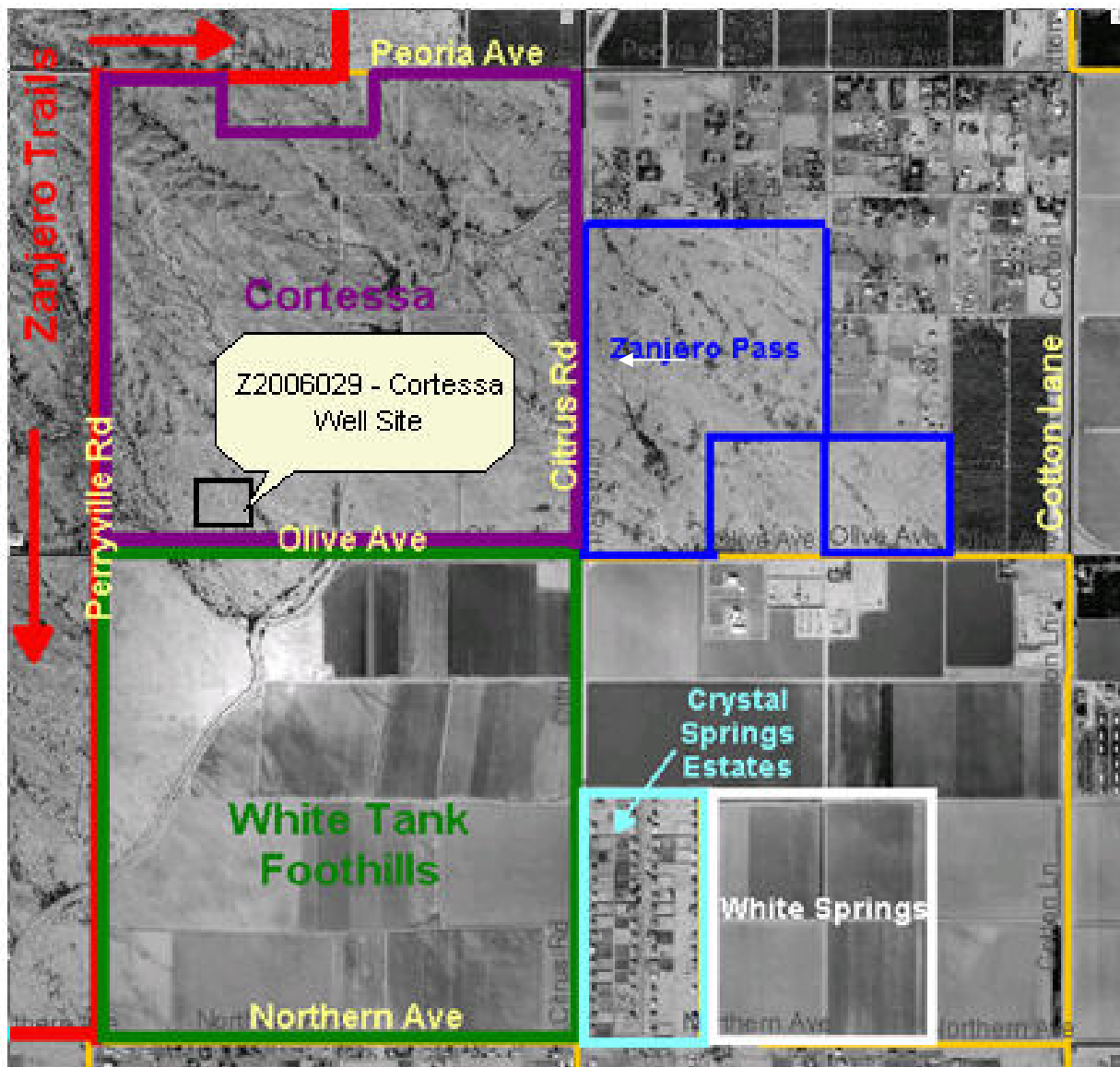
Existing On-Site and Adjacent Land Use:

- | | | |
|-----|----------|--|
| 18. | On-site: | Water pumping, storage and distribution plant |
| | North: | Landscaped retention and open space |
| | East: | Arterial (Cortessa Pkwy), then landscaped retention and open space |
| | South: | Landscaped tract and arterial (Olive Ave.) |
| | West: | Landscaped retention and open space |

Area Land Use Analysis:

19. The site is located at the northwest corner of Cortessa Pkwy. and Olive Ave. in the Glendale area within the approved Cortessa DMP, which was previously known as White Tank Mountain Ranch. The surrounding land use is mostly vacant/undeveloped areas characterized by disturbed desert where dirt roads have been blazed across the landscape. Territory to the east, southeast and south has historically been farmed. A number of large-lot residential developments are scattered in between the agricultural fields. Currently, this area is sparsely developed; however, there are several master-planned communities approved for the surrounding region. South of the subject site is the approved White Tank Foothills DMP (not to be confused with White Tank Mountain Ranch). This planned community is a 640-acre mixed-use development with 1,286 dwelling units and a density of 2.0 d.u./a.c. Approx. ½-mile west of White Tank Foothills is Sonoran Ridge Estates, a 320-acre subdivision with 260 lots and a density of 1.0 d.u./ac. A portion of said subdivision has been platted at this time and development of the site is imminent. Immediately to the north of the subject site is the Sun Park subdivision, 25-lot subdivision covering 26 acres at a density of less than 1.0 d.u./ac. Immediately to the east of the site Zanjero Pass, a 220 acre residential project with 440 lots at a density of 2.0 d.u./ac.

20. The existing development pattern of the general area is shown in the following aerial photograph.



Adjacent Road Status:

21. **Cortessa Parkway:** A County-maintained, 2-lane paved N/S section line collector with 51' of existing half-width ROW. All improvements have been approved as part of the approved Cortessa DMP and associated subdivisions.

22. **Olive Avenue:** County maintained, 4-lane, paved road with 70' of dedicated half-width ROW along an E/W section line that forms the southern boundary of the site. All improvements have been approved as part of the approved Cortessa DMP and associated subdivision.

Utilities and Services:

23. **Water:** Arizona-American Water Company (A-AWC)
24. **Wastewater:** Sewer (City of Surprise)
25. **Fire Protection:** Rural/Metro Fire Department (RMFD)
26. **Police Protection:** Maricopa County Sheriff's Office (MCSO)
27. **Electric:** Arizona Public Service (APS)
28. **Natural gas:** Southwest Gas (SWG)
29. **Telephone:** Qwest / Cox Communications
30. **Cable Television:** Cox Communications
31. **Public Schools:** Dysart Unified School District
32. **Refuse:** Paradise Waste Service
33. **Irrigation:** None

Reviewing Agencies: (This request did not have the benefit of a TAC meeting.)

34. **Department of Transportation (MCDOT):** No objection (see the attached memo).
35. **Environmental Services Department (MCESD):** No objection with the following stipulation (see attached memo):
- No construction permit can be issued or can installation begin on the arsenic treatment system prior to the issuance of an Approval to Construct by the MCESD. Facility construction must be in conformance with the Approval to Construct.
36. **Drainage Review:** No objection (see attached PermitsPlus screen printout).

37. **City of Glendale:** In a letter dated April 18, 2006, the City has indicated no objection to the proposed request. Glendale has stated that although the underlying density is not consistent with the General Plan, the proposed request is a support facility to the residential development and although the plan does not list the use as part of the land-use category, it is an integral part of serving the low-density residential development. Therefore, the City has no objections to the proposed request.
38. **Luke Air Force Base:** In a letter dated April 7, 2006, Luke Air Force Base indicated no objection with recommendation to review sound attenuation requirements as listed in ARS 28-8482 (see attached letter).
39. **Rural/Metro Fire Department (RMFD):** In a letter received April 14, 2006, RMFD indicated no objection to the subject request (see attached letter).
40. **Other:** The request was also referred to the City of Surprise, State of Arizona – Attorney General's office, West Valley Alliance, White Tank Concerned Citizens, Maricopa Water District, Waddell Haciendas Land Owners Association, Qwest Communications, Dysart Unified School District, Maricopa County, Parks and Recreation, and SHPO. To date, no responses have been received from these entities.

Citizen Participation Plan:

41. The applicant complied with the Maricopa County Citizen Review Process. The applicant's Citizen Participation Plan included notifying property owners within 300' of the request, public jurisdictions and areas of interest. The applicant also posted the property, provided an updated plan and a Results Report. The results report indicates that only a few property owners responded favorably to the notification and apart from this response no further contact from the public has been received. Additionally, staff has not received any letters of opposition to date.

Discussion and Evaluation:

42. This approx. 0.36 ac. SUP request is for a water treatment (arsenic) plant in the R1-6 RUPD zoning district. The purpose of the facility is to meet the lower arsenic levels that have been mandated by the EPA. In fact, all public water providers are now required to comply with these new arsenic levels by January 2006 and there have been a number of similar requests. The parcel is located on the northwest corner of Cortessa Pkwy. and Olive Ave. in the Glendale area. Reviewing County agencies and adjacent property owners offer no opposition to this request.

43. This facility requires the maintenance and utility of large-scale equipment and storage reservoirs. Adjacent surrounding properties are primarily single-family residential land uses. In order to buffer the view, the applicant indicates that an 8' high block wall will screen the entire perimeter of the existing site.
44. The applicant has requested an SUP for twenty-five (25) years. The applicant states that the extended period for the SUP is being requested since the new EPA standards are to remain in effect indefinitely and therefore the site will require an arsenic treatment facility as long as the facility continues to supply drinking water. The site will be utilized by Arizona-America Water Co. which will provide the Cortessa DMP and surrounding communities with water, and is therefore not making any request which would deem this project out of character or having a negative impact on the surrounding properties. Staff is supportive of a twenty-five (25) year SUP with a status report in one (1) and twenty (20) years. Due to the time constraints associated with the EPA mandated deadline for arsenic levels, the applicant has requested that the case move forward to the May 17, 2006 BOS hearing rather than the June 7, 2006 BOS hearing. This requires the case to be double-advertised. Additionally, the applicant has also requested that 24 hour emergency vesting be also utilized due to the urgent nature of the situation. Staff is amenable to these associated requests.

Recommendation:

45. Staff recommends **approval** of this request for the following reasons:
 - Reviewing agencies have no objections to the request that have not been addressed in the stipulations below
 - Outside reviewing agencies have no objections
 - The use is compatible with surrounding uses
 - All technical requirements have been met

Subject to the following stipulations:

- a. Development and use of the site shall comply with the site plan entitled "Cortessa Well Site – Case Z2006029 Arizona American Water (AAW) AFTL Well No. 1" consisting of four (4) full-size sheets dated March 31, 2006 and stamped received April 3, 2006 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Special Use Permit Application Narrative Report for Arsenic Treatment System at the Cortessa Well Site" consisting of six (6) pages,

stamped received April 3, 2006 except as modified by the following stipulations.

- c. All landscaping shall be maintained in good health until expiration of the Special Use Permit (SUP).
- d. The following Maricopa County Environmental Services (MCESD) stipulations shall be met:
 - No construction permit can be issued or can installation begin on the arsenic treatment system prior to the issuance of an Approval to Construct by the MCESD. Facility construction must be in conformance with the Approval to Construct.
- e. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- f. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- i. The applicant shall submit a written report outlining the status of the development at the end of one (1) year and twenty (20) years from the date of approval by the Board of Supervisors. The applicant shall provide a revised site plan with the status report at the end of one (1) year; which should include evidence of a 10' masonry block wall and 10' wide landscape strip. The status reports shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

- j. This Special Use Permit (SUP) shall expire twenty-five (25) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- k. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance).
- m. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

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Addendum: Stipulations of Prior Approvals (18 pages)

Attachments: Case map (1 page)
 Vicinity map (1 page)
 Site plan (reduced 8-½" x 11", 4 pages)
 Narrative report (6 pages)
 MCDOT comments (memo, 1 page)
 MCESD comments (memo, 1 page)
 Drainage Review comments (PermitsPlus screen print, 1 page)
 City of Glendale comments (letter, 1 page)
 Luke Air Force Base comments (letter, 1 page)
 Rural/Metro Fire Department (letter, 1 page)

Enclosure: Site plan (2 full-size sheets)